

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHYSICIANS HEALTHSOURCE, INC.	:	CIVIL ACTION
	:	
v.	:	
	:	
CEPHALON, INC., et al.	:	NO. 2:12-cv-03753
	:	

ORDER

AND NOW, this 13th day of March 2014, upon consideration of Defendants Cephalon Clinical Partners L.P., Cephalon Development Corporation, and Cephalon Inc. (collectively, “Cephalon”)’s Motion to Stay (Doc. No. 96), Defendant SciMedica Group LLC’s Response in Support thereof (Doc. No. 101), Third-Party Defendant Blitz Research Inc.’s Response in Support thereof (Doc. No. 103), and Plaintiff’s Response in Opposition thereto (Doc. No. 104), as well as Plaintiff’s Motion to Modify Scheduling Order (Doc. No. 97), Cephalon’s Response in Opposition thereto (Doc. No. 99), SciMedica Group LLC’s Response in Opposition (Doc. No. 100), and Blitz Research Inc.’s Response in Opposition (Doc. No. 102), it is hereby ORDERED as follows:

1. Plaintiff’s Motion to Modify Scheduling Order (Doc. No. 97) is DENIED. Plaintiff has failed to demonstrate good cause why the discovery period, which has already exceeded one year in length, should be extended any further. Moreover, to the extent Plaintiff seeks additional time to prepare an expert report, we note that the mandatory deadline for Plaintiff to submit expert reports was January 9, 2014. (Third Am. Scheduling Order, Doc. No. 95.) Plaintiff did not request an extension of this deadline until March 5, 2014. This request was thus untimely, and Plaintiff may submit no further expert reports in this matter. Factual and expert discovery are now closed.
2. Cephalon’s Motion for Stay (Doc. No. 96) is GRANTED. This case shall remain stayed until the final resolution of the petitions currently pending before the FCC with Docket Nos. 02-278 and 05-338 (the “Pending FCC Petitions”), including appeals.
3. The Clerk of Court is directed to place this case IN SUSPENSE, pending resolution of the Pending FCC Petitions.
4. All previously ordered deadlines in this matter are terminated.

5. The parties shall jointly update the Court in writing on the status of the Pending FCC Petitions on the following dates: June 11, 2014; September 9, 2014; December 8, 2014; and every 90 days thereafter until the Pending FCC Petitions are resolved.
6. Within 14 days of the Pending FCC Petitions' final resolution, the parties shall jointly submit a status report to this Court.

BY THE COURT:

/s/ Legrome D. Davis

Legrome D. Davis, J.